

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MEETING MINUTES FOR THE
MEETING HELD ON TUESDAY, AUGUST 27, 2019 AT 6:00 PM
OKOBOJI CITY HALL**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00pm in the Okoboji City Hall. Board Members present were Joyce Wadell, Ann Mugge, Dan Sanders, and Owen Primavera. Steve Dulin was excused from the meeting. Others present were City Administrator Michael Meyers, Evan Del Val, Clark Matthews, Max Guzetta, and Ben Roush. Garret Reynolds, Kyle Phillips, and Ray Calabro were also present by telephone.

Board Member Primavera chaired the meeting and call the meeting to order at 6:00 PM.

Motion made by Board Member Mugge and a second by Board Member Wadell to approve the minutes of the previous Board of Adjustment meeting on July 30, 2019. The following Board Members voted YEA: Wadell, Mugge, Sanders, and Primavera. Motion passed 4-0.

Chairperson Primavera opened a public hearing to consider a variance request from Project Blue, LLC (7001 Lakeshore Drive, Lot 1 of the Project Blue Addition, City of Okoboji, Dickinson County, Iowa). The requested variance was for a fence material as well as a variance to allow for fencing in the front yard of a R-3 zoned property.

Chairperson Primavera read aloud the relevant documentation submitted to the Board of Adjustment including, but not limited to, application, appeal letter, memorandum from the City Administrator, and other details pertaining the proposed project. Chairperson Primavera also read aloud a letter from Nannette Schaupp in opposition of the requested variance. There were no other letters written in favor or opposition of the project. All those in attendance were representing the property owner in favor of the request.

Representatives of the applicant explained that the slope of their bank was severe and that they believed that this fence was more of a fall protection system than a traditional fence. The applicant's representatives explained that the fence was set lower on the bank and was nearly transparent. There was discussion about alternative landscaping options that would achieve the same effect, however, representatives of the applicant explained their desire to keep as many trees as possible and did not want to upset their root system at the lakeshore. The applicant's representatives added that this was not a fence under the traditional definition and use of a fence and that no views would be obstructed. The applicant's representatives advised that vegetation would grow through the fence and that it would require minimal construction efforts.

Chairperson Primavera commented that he can understand why the property owner may desire such a safety feature on their steep bank. Primavera felt that considering the location of the fence and the vegetation growing through it that it would be a good idea.

Board Member Mugge commented that the ordinance is black and white that this is not allowable. Mugge liked the idea but the precedent that might be set was undesirable. Mugge was in favor of seeking a change in the ordinance versus allowing for a variance when the current ordinance is clear.

Board Member Sanders addressed comments from the applicant's representatives relating to a previous decision made by the Board of Adjustment relating to a fence at 2101 Lakeshore Drive. Sanders considered this current request totally new construction but he was concerned about the precedent that might be set. Sanders added that he liked the idea but that the ordinance does not allow for it.

Chairperson Primavera advised that he was mixed on this issue. Primavera spoke to the safety concerns of the applicant and could see the benefit. Primavera also commented on the precedent that might be set.

Board Member Waddell commented that something like this might be nice but she was concerned about future fences with different material and the overall precedent being set.

Chairperson Primavera closed the public hearing at 6:59 PM.

Board Member Mugge said that she would be okay with it but that the Planning and Zoning Commission needs to consider changing the ordinance. Mugge said it is difficult for the Board of Adjustment to grant this variance when the text is as black and white as it is. Mugge discussed that this certainly is not the only high or steep bank on West Lake Okoboji.

City Administrator Meyers discussed with the Board of Adjustment possible avenues for a change in the zoning text to allow for this type of fence or safety feature on the lakeshore bank. Meyers commented this would start with the Planning and Zoning Commission and eventually go to the City Council for consideration.

Motion made by Board Member Sanders and a second by Board Member Mugge to deny the requested variance. The following Board Members voted YEA: Wadell, Mugge, Sanders, and Primavera. Motion passed 4-0.

Board Member Wadell advised that she would like to see the Planning and Zoning Commission to consider this as a future amendment. Board Member Sanders advised the applicant's representatives that they might consider continuing to have discussions with the City's Planning and Zoning Commission to see if there potentially could be a change in the ordinance to allow for something similar to what is being proposed.

City Administrator Meyers commented and advised that he would work with the applicant's representatives and the Planning and Zoning Commission to see if this is something that will want to be pursued in the future. Board Member Sanders commented that he felt this needed to be defined as a safety or fall protection system in a section entirely separate from the fence ordinance.

A motion was made by Board Member Sanders and a second by Board Member Wadell to adjourn the meeting. The following Board Members voted YEA: Wadell, Mugge, Sanders, and Primavera. Motion passed 4-0.

ADJOURNMENT

Michael Meyers
City Administrator